

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MYRA BREVARD,

Plaintiff,

-v-

WELLS FARGO CO.,

Defendant.

23 Civ. 7702 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On September 6, 2023, defendant filed a motion to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure. *See* Dkt. 5. Under Rule 15(a)(1)(B), upon service of that motion, plaintiff had 21 days—that is, until September 27, 2023—to amend her complaint once as a matter of course. However, as the Court did not issue an order inviting plaintiff to either amend her complaint or oppose defendant’s motion to dismiss, the Court *sua sponte* grants plaintiff leave to amend under Rule 15(a)(2) for an additional 21 days.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by October 16, 2023. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by November 6, 2019, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by October 16, 2023. Defendant’s reply, if any, shall be

¹ If defendant files a new motion to dismiss or rely on its previous motion, plaintiff’s opposition will be due 14 days thereafter, and defendant’s reply, if any, will be due seven days after that.

served by October 30, 2023. At the time any reply is served, the moving party shall supply the Court with two (2) courtesy copies of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York 10007.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: September 25, 2023
New York, New York